

3683/1  
✓

41  
Attorney's D ket No. 7604

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: DAIGRE, RICHARD

Serial No.: 0 10 / 058,183 Group No.: 3683

Filed: JANUARY 26, 2002 Examiner: KING, B.T.

For: MECHANICALLY APPLIED/HYDRAULICALLY RELEASED BRAKE

Assistant Commissioner for Patents  
Washington, D.C. 20231

AMENDMENT TRANSMITTAL

RECEIVED

MAY 12 2004

GROUP 3600

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

☒ a small entity. A verified statement:

☐ is attached.

☒ was already filed.

☐ other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: MAY 5, 2004

Signature

WILLIAM S. LIGHTBODY

(type or print name of person certifying)

(Amendment Transmittal [9-19]—page 1 of 4)

05/10/2004 MBERHE

00000030 10058183

02 FC:2253

475.00 OP

### EXTENSION OF TERM

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

**NOTE:** See 37 CFR 1.645 for extensions of time in interference proceedings, and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 CFR 1.136  
(fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$190.00
<input checked="" type="checkbox"/> three months	\$ 900.00	\$450.00
<input type="checkbox"/> four months	\$1,400.00	\$700.00

Fee \$ 475.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 475.00

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE OR RATE ADDIT. FEE
TOTAL * 34	MINUS ** 34	= 0	X 9.00 = \$ .00	X 18.00 = \$
INDEP. * 9	MINUS *** 6	= 3	X 40.00 = \$ 129.00	X 80.00 = \$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			135.00 = \$	270.00 = \$
			TOTAL ADDIT. FEE \$ 129.	OR TOTAL ADDIT. FEE \$

- \* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
  - \*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".
  - \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) ☐ No additional fee for claims is required.

**OR**

(d) ☒ Total additional fee for claims required \$ 129.00

## FEE PAYMENT

5. ☒ Attached is a check in the sum of \$ 604.00

☐ Charge Account No. \_\_\_\_\_ the sum  
of \$ \_\_\_\_\_

A duplicate of this transmittal is attached.

## FEE DEFICIENCY

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ~~XXX~~ If any additional extension and/or fee is required, charge Account No. 12-1347.

## AND/OR

- ~~XXX~~ If any additional fee for claims is required, charge  
Account No. 12-1347.

Reg. No.: 29,557

Tel. No.: ( 216 ) 621-7337

FACSIMILE (216) 621-7393

William S. Lightbody  
SIGNATURE OF ATTORNEY

WILLIAM S. LIGHTBODY

(type or print name of attorney)

32600 FAIRMOUNT BLVD., SUITE 100

P.O. Address

PEPPER PIKE, OH 44124



Applicant: Daigre, R. Examiner: King, B.T.  
Serial No: 10/058,183 Art Unit: 3683  
File Date: January 26, 2002 Our File: 7604  
Invention: MECHANICALLY APPLIED/HYDRAULICALLY RELEASED BRAKE

May 3, 2004

LIGHTBODY LAW OFFICE  
32600 Fairmount Boulevard  
Atrium Suite 100  
Pepper Pike, Ohio 44124  
(216) 621-7337 Phone  
(216) 621-7393 FAX

COMMISSIONER OF PATENTS  
Alexandria, VA 22313-1450

A M E N D M E N T

Dear Commissioner:

The USPTO issued on office action dated November 6, 2003 in respect to the above entitled application. Applicant responds as follows:

In the claims:

Claim 1 (second amendment). An actuating mechanism for a mechanical brake, the brake having a rotatable shaft rotatively supported to a frame by an intermediate member, the rotary shaft having a rotational axis, the brake comprising a friction surface, said friction surface being connected to the shaft,

a brake member, said brake member being movably connected to the intermediate member,

05/10/2004 HBERHE 00000030 10058183

01 FC:2201

129.00 OP

R9/7604A

1

05/05/04